

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 2, 2006 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #06043

**PROPOSAL:** Expand a nonstandard single-family dwelling into required yard setbacks.

**LOCATION:** 2<sup>nd</sup> & "K" Streets

**LAND AREA:** 4,800 square feet, more or less

**CONCLUSION:** This application meets the requirements of the Zoning Ordinance and Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** N21' Lot D, all of Lot E, McNairs Subdivision of Lots 1-4, Block 110, Lincoln, located in the NW1/4 of Sect. 26 T10N R6E, Lancaster County, Nebraska.

**EXISTING LAND USE AND ZONING:** Single-family dwelling      R-4 Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family dwelling	R-4 Residential
South:	Single-family dwelling	R-4 Residential
East:	Vacant	I-1 Industrial
West:	Single-family dwelling	R-4 Residential

### **HISTORY:**

May 1979      The zoning for this area changed from B Two-Family Dwelling to R-4 Residential as part of the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Urban Residential. (F 25)

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

**ANALYSIS:**

1. This is an application to expand a nonstandard single-family dwelling into the required front and rear yard setbacks for the purpose of constructing an addition.
2. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance which no longer complies with the minimum lot requirements for the district in which it is located. According to the Lancaster County Assessor, this dwelling was constructed in 1900. This was prior to the adoption of zoning in Lincoln; therefore, this is a nonstandard use.
3. LCM §27.63.540 provides conditions under which this permit may be granted:

- a. **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

The required setbacks for this structure are 12.5 feet facing “K” Street, 25' facing South 2<sup>nd</sup> Street, 20' to the south, and 5' to the west. The attached site plan shows the existing structure is located within the required front yard setback along “K” Street, as well as the rear and side yard setbacks. The proposed addition is shown extending to, but not beyond, the limits of the existing structure.

- b. **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed addition is not shown to encroach into any other required setback. The building permit review process will ensure the height and floodplain requirements are met.

- c. **The use of the building shall remain a single- or two-family dwelling.**

Applicant has indicated the dwelling will remain used for a single-family. This is also a recommended condition of approval.

4. The proposed addition to this building is not required to meet the Neighborhood Design Standards. However, since the proposed work will occur on a street facing facade in an established part of town, the standards should be used as a guide for compatible design. At the time this report was prepared, plans showing elevations of the proposed addition had not been submitted for review. Therefore, the extent to which the proposal meets the design standards is unknown. Conformance to the design standards should be a condition prior to obtaining a building permit.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required front yard setback along “K” Street and the required rear yard, for the purpose of an addition.
2. The expansion shall not extend further into the required front yard along “K” Street or the required rear yard than the furthest extension of the existing structure.
3. The expansion shall meet the height limit of the zoning district, as well as any applicable floodplain regulations.
4. The use of the main structure shall remain a single- or two-family use.
5. The proposed addition shall conform to the Neighborhood Design Standards.

**STANDARD CONDITIONS:**

6. The following conditions are applicable to all requests:
  - 6.1 Before occupying the addition all development and construction is to comply with the approved plans.
  - 6.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 6.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 6.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov  
Planner

**Date:** July 19, 2006

<b>Applicant</b>	Esmeraldo Lopez and Antonia Perez de Lopez
<b>Owner</b>	135 "K" Street
<b>and</b>	Lincoln, NE 68508
<b>Contact:</b>	402.432.3961

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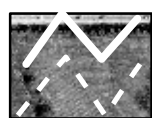
2005 aerial

## Special Permit #06043 135 K Street

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

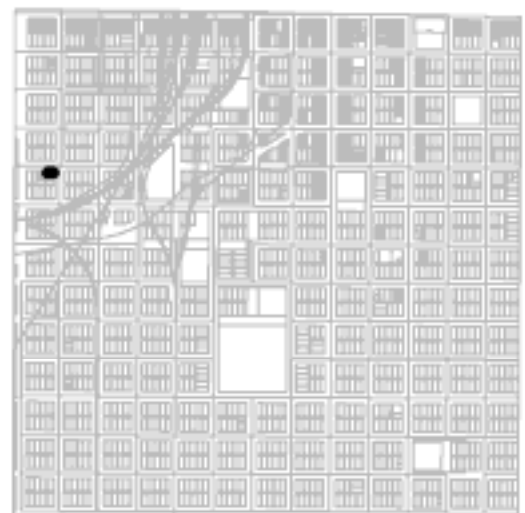
One Square Mile  
Sec. 26 T10N R06E



Zoning Jurisdiction Lines

City Limit Jurisdiction

S 1st St



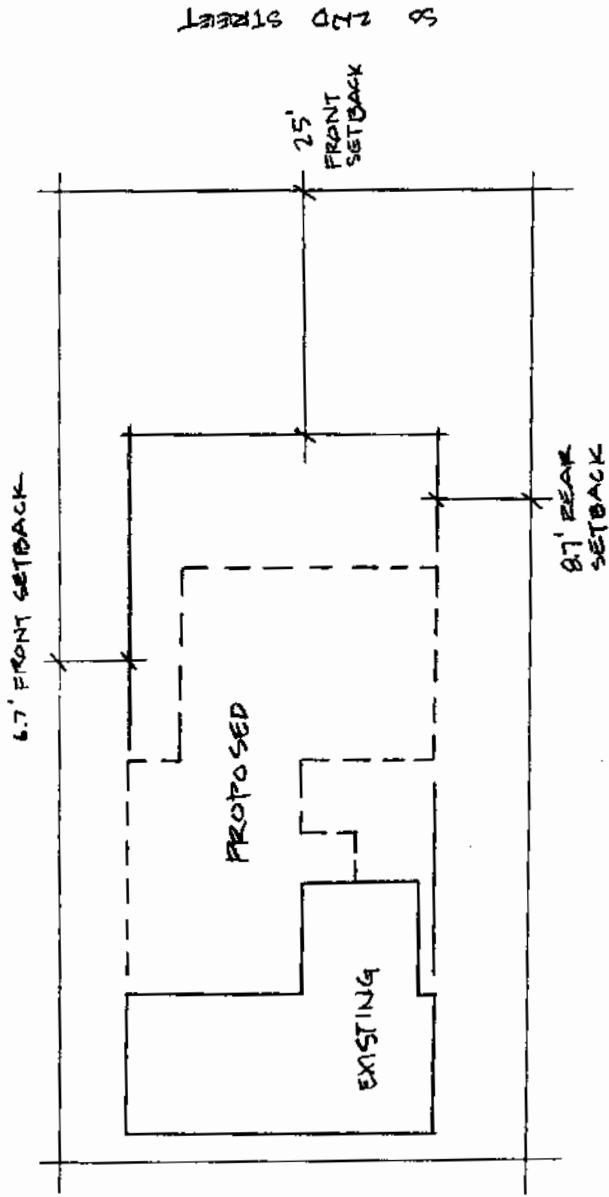
S 14th St

U St

A St

# PROPOSED SETBACKS

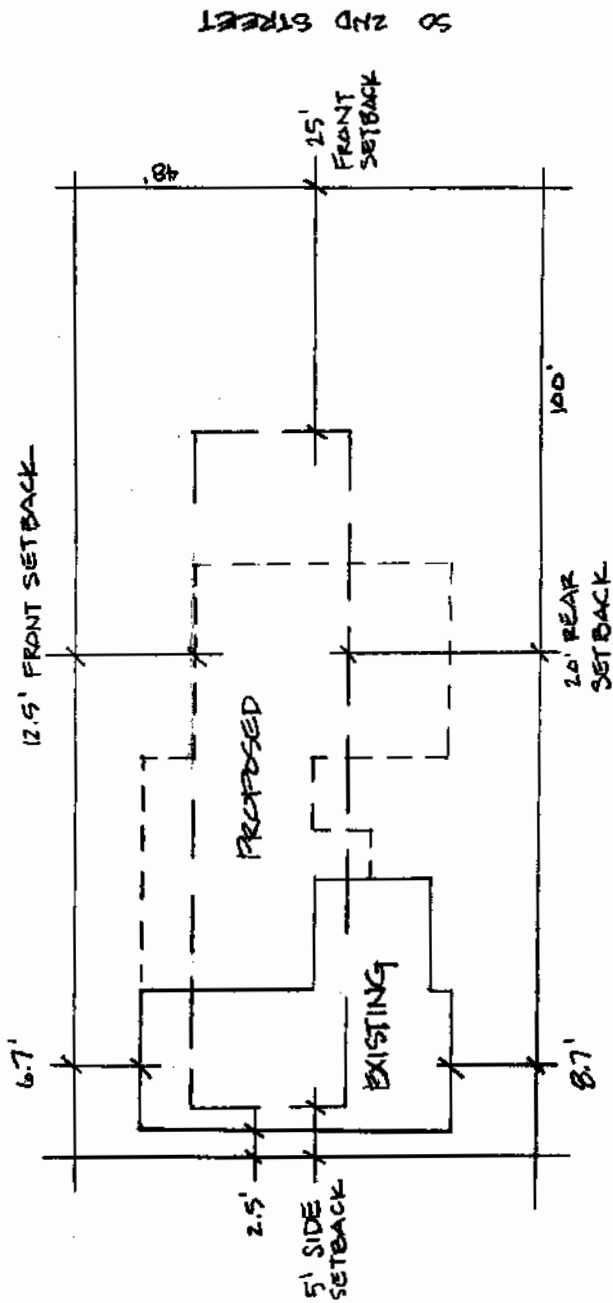
K-STREET



SCALE: 1" = 20'

# EXISTING SETBACK REQUIREMENTS

K STREET



135 K STREET

N21' LOT D, ALL LOTS, MCNAIR'S SUBDIVISION  
LOCATED IN THE NW 1/4 SECT. 26 T10N R6E  
LINCOLN, LANCASTER COUNTY, NEBRASKA



SCALE: 1" = 20'

Special Permit #06043  
Exhibit A

